

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MOTOROLA SOLUTIONS INC.,
Plaintiff**

v.

**HYTERA COMMUNICATIONS
CORPORATION LTD., HYTERA
AMERICA, INC., AND HYTERA
COMMUNICATIONS AMERICA (WEST),
INC.**
Defendants

**CASE NO. 1:17-cv-1972
COMPLAINT FOR PATENT
INFRINGEMENT**
DEMAND FOR A JURY TRIAL
JUDGE JOHN ROBERT BLAKEY

**DEFENDANTS' UNOPPOSED MOTION FOR A MANDATORY STAY
UNDER 28 U.S.C. § 1659**

Defendants Hytera Communications Corporation Ltd., Hytera America, Inc., and Hytera Communications America (West), Inc. (collectively “Hytera”) hereby move the Court to stay this case under 28 U.S.C. § 1659, which requires a district court to stay proceedings in a case involving the same parties as a concurrent U.S. International Trade Commission (“ITC”) investigation at the timely request of a respondent.

This action was filed on March 14, 2017, alleging infringement of seven United States patents also at issue in an ITC investigation titled *Certain Two-Way Radio Equipment and Systems, Related Software and Components Thereof*, Inv. No. 337-TA-1053. The Commission instituted the ITC investigation on May 3, 2017, by publication of a Notice of Institution in the Federal Register. 19 C.F.R. § 210.10(b); 82 Fed. Reg. 20635-36. Under Section 1659 of Title 28, upon the request of any party to a civil action who is also a respondent in an ITC investigation involving the parties in the civil action, the Court “shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that

involves the same issues involved in the proceeding before the Commission.” 28 U.S.C. § 1659(a). This stay is mandatory and must be granted if made within thirty days from the later of: (1) the party being named a respondent in a proceeding before the ITC, or (2) the filing of the district court action. 28 U.S.C. § 1659(a)(1)-(2). This motion has been filed within thirty days of Defendants being named as respondents in the ITC proceeding.

Counsel for Defendants communicated with Plaintiff’s counsel on May 3 and 4, 2017, about Defendants’ intention to file this motion. Plaintiff does not oppose this motion.

For the foregoing reasons, as further discussed in the attached Brief, Defendants respectfully request that the Court stay this action under 28 U.S.C. § 1659(a).

Dated: May 4, 2017

HYTERA COMMUNICATIONS
CORPORATION LTD., HYTERA AMERICA,
INC., and HYTERA COMMUNICATIONS
AMERICA (West), Inc.

/s/ John T. Schriver

John T. Schriver
Hillary August
DUANE MORRIS LLP
190 S. LaSalle St. – Suite 3700
Chicago, IL 60603
312-499-6700
jtschriver@duanemorris.com
haugust@duanemorris.com

*Attorneys for Defendants
Hytera Communications Corporation Ltd.,
Hytera America, Inc., and Hytera
Communications America (West), Inc.*

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on May 4, 2017, he caused the foregoing document to be electronically filed with the Clerk of the U.S. District Court, using the Court's CM/ECF system, which will send electronic notification to all parties who have appeared and are registered as CM/ECF participants in this matter. Parties may access this filing through the Court's CM/ECF system.

/s/ John T. Schriver